

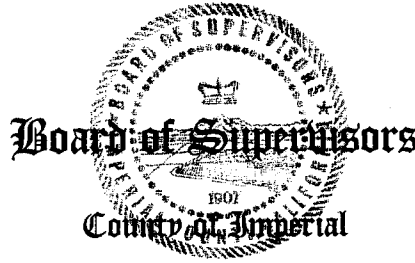
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January 10, 2005

Salton Sea Advisory Committee
Air Quality Work Group
Department of Water Resources
Colorado River and Salton Sea Office
1416 9th Street
Sacramento, CA 95814

RE: STATEMENT OF IMPERIAL COUNTY APCD AND COUNTY OF IMPERIAL
CONCERNING SALTON SEA AIR QUALITY ISSUES

The Imperial County Air Pollution Control District ("Air District") is the exclusive local agency responsible for comprehensive air pollution control within Imperial County, including the southern portion of the Salton Sea. Air quality is of paramount importance to the health of the people and biosystems of Imperial County, including the Salton Sea. Together, the Air District and Imperial County work to achieve healthful air quality in County.

The State Advisory Committee and Department of Water Resources ("DWR") will soon begin serious consideration of the preferred alternative for the Salton Sea Ecosystem Restoration Study ("ERS") and accompanying Environmental Impact Report (EIR). In anticipation of these deliberations we want to ensure all stakeholders are fully aware of the air quality implications associated with these deliberations.

Imperial Valley is classified as a "serious" nonattainment area for fine particulates less than 10 microns ("PM₁₀"). This classification imposes statutory obligations under the federal and state Clean Air Acts to achieve healthful air. The Air District's ability to comply with its statutory obligations are impeded when other governmental entities take actions that fail to consider the impact on air quality. A good example is the IID water conservation and transfer project ("IID Transfer Project"). The decision in the IID Transfer Project to forego mitigation will certainly complicate the ERS, because DWR will have to assume that there is no commitment to perform any mitigation at the Salton Sea.

The ERS poses a unique opportunity for the state to demonstrate its leadership in multi-media environmental stewardship. The state legislation that resulted in the ERS specified multiple objectives -- habitat restoration, *elimination of air quality impacts*, protection of water quality, recreation, and economic development. The preferred alternative should ensure that all these objectives are met, not one at the expense of the others.

We are concerned that there seems to be premature conclusions about the nature and scope of air quality mitigation necessary, including suggestions that the levels of air pollution at Owens Valley would not occur at the Salton Sea. We urge caution before reaching final conclusions. The air quality problems at the Salton Sea should not have to approach the severity of that experienced at Owens Valley to be taken seriously. By all available estimates an exposed Salton Sea shoreline will still become the largest PM₁₀ source in Imperial County. PM₁₀ is a criterion air pollutant that has been linked to premature death, and as such, any increase should warrant sufficient mitigation to protect public health.

We also understand DWR's preferred desire to build upon and utilize the EIR previously prepared for the IID Transfer Project, so that it is not "re-inventing the wheel." However, there are significant deficiencies in this EIR, including the air quality impact analysis and mitigation measures. The CEQA duty to regard the EIR as final and precedential does not apply if responsible agencies or others challenge timely the EIR's adequacy; then the EIR can be assumed adequate but subject to the outcome of the litigation. This important reservation must be honored; the adequacy of the IID Transfer Project EIR is the subject of numerous lawsuits currently pending in the Court of Appeal, Third Appellate District, coordinated below in the Sacramento County Superior Court.

A more appropriate course than deference to the IID Transfer Project EIR is to perform an independent robust and accurate air quality analysis of all impacts resulting from ERS, irrespective of the IID Transfer Project, to specify adequate mitigation measures to reduce the impact to a level of insignificance, and to specify a definitive timeline for performing the mitigation. The legislation, which requires air quality impacts be eliminated, seems to require this course of action.

The first and foremost issue to be resolved by DWR and SSA must be the baseline water inflow assumption. The disparity between the inflow numbers currently being debated has a direct impact on scope of air quality mitigation necessary at the Salton Sea.

Next, none of the means essential to achieving full mitigation should be discarded. The Owens Valley experience has shown that shallow flooding and managed vegetation are feasible and effective methods of reducing emissions. Other potential mitigation measures, such as gravel and sand fences, have not proven as effective, and are unlikely to be sufficient to eliminate the air quality impacts at the Salton Sea. As

such, it is essential that reserving adequate water for implementing these types of mitigation measures remain a part of the preferred alternative at this time.

Further, the mitigation measures specified in the EIR should be supplemented to include a commitment to incorporate new rules adopted by the Air District, control measures incorporated in the SIP, changes to the State Board transfer order, and any other applicable rulings from the courts with respect to the IID Water Transfer Project and its EIR.

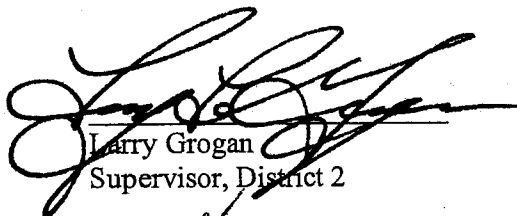
Finally, we do not see a "water rights" constraint to application of water for air quality mitigation at the Salton Sea. It seems that the State Board in its transfer order, and the Legislature in its four QSA-related bills, have already recognized the beneficiality of water to mitigate air quality at the Salton Sea. The State Board's transfer order expressly relied on the Board's determination at Mono Lake, D. 1631, which found that devoting water that would otherwise be diverted outside the basin (as would happen with the transfer here) to a saline lake in order to prevent air quality degradation, is both appropriate and necessary. As a measure to meet public trust requirements at the Salton Sea, air quality mitigation water does not stand in line behind inchoate applications for diversions outside the Imperial Valley.

Imperial County and the Air District are the responsible agencies for air quality at the Salton Sea. We welcome the opportunity to work closely with DWR, State Advisory Committee, and the Salton Sea Authority to realize an ERS that achieves all of our objectives.

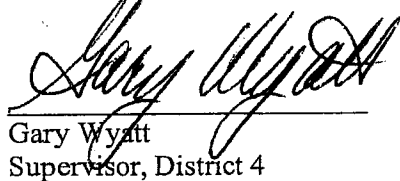
Sincerely,



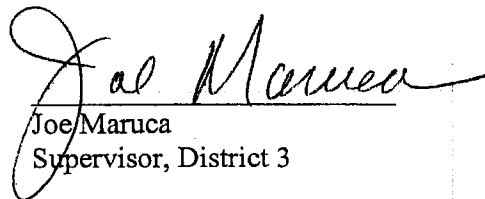
Victor Carrillo, Chairman
District 1
Imperial County Board of Supervisors



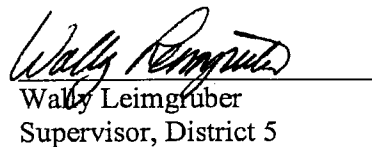
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